

MUR # 5774



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July 21, 2006

General Counsel
Federal Election Commission
999 E. Street N.W.
Washington, D.C. 20463

Re: *Illegal Campaign Contributions to Lamborn for Congress*

Dear General Counsel:

I represent Mr. Robert Gardner. Attached is a letter from Mr. Gardner explaining that Doug Lamborn, a candidate for Colorado's Fifth Congressional District, and Lamborn for Congress, a candidate committee, have violated federal law by illegally coordinating campaign mailings with the Colorado Christian Coalition and the Club for Growth State Action.

Accordingly, Lamborn for Congress violated the law by illegally receiving contributions from the Colorado Christian Coalition and Club for Growth State Action. Likewise, both the Colorado Christian Coalition and Club for Growth State Action illegally contributed to Lamborn for Congress.

Please investigate this matter at your earliest convenience, and do not hesitate to contact me if I may provide additional assistance or information.

Sincerely,

HACKSTAFF GESSLER LLC

By: 
Scott E. Gessler

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2006 JUL 25 A 11:44

27044153292

ROBERT S. GARDNER

128 South Tejon Street
Suite 206
Colorado Springs, Colorado 80903
(719) 599-7309
Fax (719) 599-0936

July 22, 2006

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2006 JUL 25 A 11:44

General Counsel
Federal Election Commission
999 E. Street N.W.
Washington, D.C. 20463

Re: Complaint Under 2 U.S.C. § 437(g)(a)(1) and 11 CFR § 111.4

Dear General Counsel:

I am writing to file an election law complaint against the following respondents under 2 U.S.C. § 437(g)(a)(1) and 11 CFR § 111.4:

Doug Lamborn for Congress
5170 N. Union Blvd. Ste. 201
Colorado Springs, CO 80918

Christian Coalition of Colorado
P.O. Box 8317
Denver, CO 80201
(303)757-4406
fax (303)757-4407

Club for Growth State Action
2001 L Street, Suite 600
Washington, DC 20036

The following information and allegations are based upon information and belief and the sources of the information are identified for the proper evaluation of the complaint by the Office of the General Counsel.

Currently, Doug Lamborn is a candidate for the Republican nomination in Colorado's Fifth Congressional District. That district includes Colorado Springs, Colorado, which is located in El Paso County. The essence of my complaint is that Doug Lamborn for Congress (the "Lamborn Campaign") illegally accepted contributions from the Christian Coalition of Colorado and Club for Growth State Action by coordinating its actions with those entities. Likewise, the Colorado Christian Coalition and the Club for Growth State Action illegally contributed to the Lamborn Campaign.

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RA

Specifically, that the Lamborn Campaign shared its mailing lists with the Colorado Christian Coalition and the Club for Growth State Action. The Colorado Christian Coalition and Club for Growth State Action used the Lamborn Campaign mailing lists to send mail pieces to voters in the Fifth Congressional District who had requested absentee ballots. This is a "coordinated communication" as defined by 11 CFR § 109.21(d).

On or around July 7, 2006, Julie Jutton and Gary Bohall, voters in the Fifth Congressional District, both received mail from the Lamborn Campaign at their work addresses, as follows:

Julie Jutton

Colorado Springs, CO 80919

Gary Bohall

Colorado Springs, CO 80917

Neither Ms. Jutton nor Mr. Bohall are registered to vote at their work addresses. Rather, they have asked the El Paso County Clerk and Recorder ("Clerk and Recorder") to send absentee ballots to their work addresses. Accordingly, only the Clerk and Recorder has both Ms. Jutton's and Mr. Bohall's work addresses, along with instructions to send absentee ballots to those addresses.

On July 18, 2006, Ms. Jutton and Mr. Bohall also received mail from the Christian Coalition, and on July 11, July 13, and July 15, 2006, Ms. Jutton and Mr. Bohall also received mail from the Club for Growth State Action. All mail was delivered at their work addresses, and all mail had a common theme – a joint attack against Lionel Rivera and Jeff Crank, both of whom are also candidates for the Fifth Congressional District. The mail was carefully sequenced to ensure a steady stream of mail pieces. Copies of these mail pieces are attached.

Although any person may purchase the absentee ballot request information from the Clerk and Recorder, an investigation shows that only five entities have requested absentee ballot information from the Clerk and Recorder. They are:

Doug Lamborn for Congress
Jeff Crank for Congress
Lionel Rivera for Congress
Campaign Compliance Center
Trailhead Group

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I have personally confirmed that the Jeff Crank for Congress campaign did not share its data, and I strongly doubt that Lionel Rivera for Congress shared with the Colorado Christian Coalition and Club for Growth State Action, since the mail pieces attacked Lionel Rivera personally. Also, after investigating the matter, neither the Campaign Compliance Center nor the Trailhead Group have shared their absentee ballot data with either the Colorado Christian Coalition or the Club for Growth State Action. This leads to only one conclusion: the Lamborn Campaign obtained the absentee voter mailing list from the Clerk and Recorder and shared it with the Colorado Christian Coalition and the Club for Growth State Action.

Finally, the Lamborn Campaign and the Colorado Christian Coalition are very closely connected. Mark Hotaling is the Executive Director of the Colorado Christian Coalition. His brother, John Hotaling, is the campaign manager for the Lamborn Campaign. And before becoming campaign manager, John Hotaling served as Executive Director for the Colorado Christian Coalition. Mark Hotaling lives at Laporte, CO 80535.

Based on this information, I respectfully request that General Counsel process this complaint in accordance with FEC rules. If you have any questions or need further information concerning my complaint, please contact me through my attorney, Scott Gessler at (303) 534-4317.


Robert S. Gardner

State of Colorado)
)
County of El Paso)

Signed and sworn this 22d day of July, 2006 by Robert S. Gardner, 2006, who stated that the statements in the foregoing Complaint are true and correct to the best of his knowledge and belief.




NOTARY PUBLIC

27044153295

**Christian Coalition
of Colorado**

P0 Box 8317 • Denver, CO 80201

27044153296

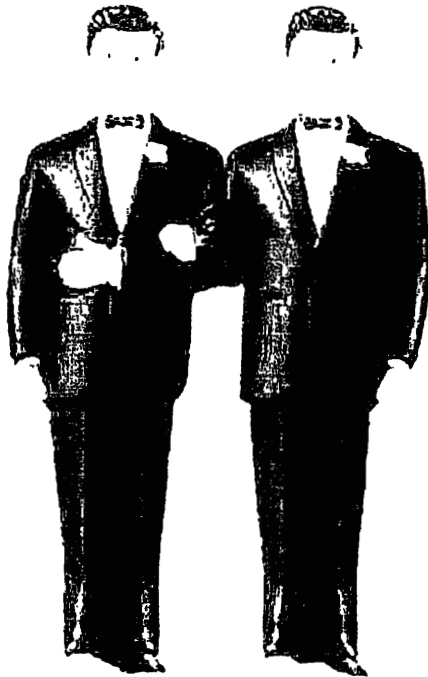
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Julie Jutten

Colorado Springs CO 80919-2301





POOR CHOICES

BAD DECISIONS

POLITICAL AMBITION

POOR JUDGMENT

COMPROMISING



...these are the words some are using to describe
**Jeff Crank's and Lionel Rivera's public support for
members and efforts of the homosexual agenda**
while campaigning as "pro-family" candidates.

Poor Choices -

Sometimes even good people like Jeff Crank and Lionel Ri



Jeff Crank

professional lobbyist and form

Crank publically endorsed known ho
and Board Member of the Gill Founda

Richard Skorman as the best
Colorado Springs City Council!



Lione

As mayor of Colorado
Gay Pride Fest

Rivera thinks conser
poor choices during



We need a Congressman who will
stand against the homosexual lobby
100% of the time, not just when it's
politically expedient!

**Call Jeff
and Lion**

and tell them you
supporting mem

Bad Decisions.

...era make them - especially if they believe no one will care.

congressional staffer

sexual activist

on

choice for the

From Colorado Springs
Independent Newspaper:

February 27, 2003

Crank Endorses Skorman

Though Skorman has often voted against the interests of the Chamber, he is a "known quantity," Crank said. "We know what we're gonna get with Richard."

The choice of Skorman, who has often voted against the Chamber's positions, may surprise some. Skorman, however, says the Chamber probably figured there's a good chance he'll get re-elected, and wants to be able to work with him. Crank meanwhile, cites Skorman's experience and says the councilman has been fair. "He's always willing to listen."

Rivera

...rings, Rivera endorsed the annual
celebration

...tives have forgotten about his
time in the mayor's office.

Colorado: Mayor Proclaims Pridefest Week

Rocky Mountain News (Denver, CO)
June 12, 2003

Mayor Lionel Rivera praised the annual gay
PrideFest celebration.

Rivera signed a proclamation declaring June 23-29
"PrideFest Week" to recognize diversity within
the community.

"Colorado Springs welcomes anybody to our
community anybody who wants to contribute and
participate in civic functions and enjoy the lifestyle
they want," Rivera said.

**Crank at 719-264-6306 and
Rivera at 719-520-9200**

**care about traditional family values and to stop publicly
s and efforts of the radical homosexual lobby.**

...working to raise our taxes, oppose tax relief, and increase government spending



**JEFF
CRANK**



**LIONEL
RIVERA**

Jeff Crank led the effort in 2002 to increase property taxes in El Paso County.

-CSP Independent 10/31/03

Jeff Crank supported Amendment 32, a tax increase which would have raised property taxes on Colorado homeowners.

-The Gazette 10/24/03

**Higher
Property Taxes**



Lionel Rivera supported increasing municipal sales taxes in 2001.

-CSP Business Journal 11/02/01

**Higher
Sales Taxes**



Lionel Rivera supported increasing county sales taxes in 2004.

-CSP Business Journal 7/17/04

Jeff Crank supported spending \$2 billion to pay for new water projects.

-CSP Business Journal 10/10/03

**More
Government
Spending**



Lionel Rivera supported and campaigned for the passage of Referendums C and D.

Rivera even appeared in TV commercials supporting the proposals to increase taxes and government spending.

-Denver Post 10/23/05

Jeff Crank opposed a citizen initiative to reduce taxes in Colorado Springs.

-The Gazette 6/20/02

**Opposing
Tax Relief**



Lionel Rivera not only opposed a citizen initiative to cut taxes, he even sued the supporters to keep the tax relief proposal off the ballot.

-The Gazette 8/25/05

**CALL JEFF CRANK AND LIONEL RIVERA AND TELL THEM TO
stop working together against Colorado taxpayers.**

Club for Growth State Action
240 Waukegan Rd
Glenview, IL 60025

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P-1 P72

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Tax
Hikers
Jeff
Crank
and
Lionel
Rivera
are like

**two peas
in a pod...**



Answer Key

Q1. Which tax hiker supported increasing property taxes in El Paso County?

ANSWER:  **Jeff Crank.** In 2002, Jeff Crank led the campaign to increase property taxes in El Paso County.

-CSP Independent 10/31/03

Q2. Which tax hiker supported raising sales taxes three different times?

ANSWER:  **Lionel Rivera.** In 2001, Lionel Rivera supported increasing sales taxes in Colorado Springs to pay for new parks. In 2003, Rivera supported increasing sales taxes to pay for open space. In 2004, Rivera supported increasing sales taxes again to pay for a rural transportation authority.


-CSP Business Journal 11/2/2001, Denver Post 7/16/2003, CSP Business Journal 7/16/2004

Q3. Which tax hiker not only supported Referendum C, but also appeared in commercials touting the plan to raise taxes and increase government spending in Colorado?

ANSWER:  **Lionel Rivera.** Lionel Rivera was not only an outspoken supporter of Referendum C, he also appeared in TV commercials in support of the plan which increased taxes and enabled the state of Colorado to dramatically increase government spending.

-Denver Post 10/23/05

Q4. Which tax hiker supported Amendment 32 which would have increased property taxes on homeowners?

ANSWER:  **Jeff Crank.** As Government Affairs Director for the Colorado Springs Chamber of Commerce, Jeff Crank supported Amendment 32 which would have resulted in higher property taxes for owners.

-The Gazette 10/24/05

Q5. Which tax hiker opposed a citizen initiative to cut taxes and spending?

ANSWER:   **Jeff Crank AND Lionel Rivera.** Jeff Crank led the effort to organize opposition to a proposed tax relief initiative. Lionel Rivera not only opposed a citizen initiative to cut taxes and reduce spending, he voted to sue the supporters in court to stop the tax relief.

-The Gazette 6/20/02 The Gazette 8/25/05

Bonus Question: Who is more liberal on taxes and spending, Jeff Crank or Lionel Rivera?

ANSWER: There is no wrong answer. It's too hard to tell.



CALL JEFF CRANK AND LIONEL RIVERA AND TELL THEM

they are calling Colorado taxpayers with their support of higher taxes.

Club for Growth State Action
240 Waukegan Rd
Glenview, IL 60025

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Tax Hikers

TAXHIKERS EXPRESS

STOP
TAX CUTS
STOP

HIGHER TAXES
BIGGER GOVERNMENT

**Jeff Crank
and Lionel Rivera
Are Working Hard...**

27044153304

...to take

TAXPAYERS

for a ride



**THE JEFF CRANK
RECORD**

TAX HIKER

As a registered lobbyist and political insider, Jeff Crank consistently supported higher taxes and more government spending, including higher property taxes. Crank even helped lead opposition to a citizen initiative that would have cut taxes in Colorado Springs.

-CSP Independent 10/31/03, CSP Business Journal 10/10/03, The Gazette 10/24/03



**THE LIONEL RIVERA
RECORD**

TAX HIKER

Lionel Rivera has always supported higher taxes. Rivera backed plans to increase sales taxes several different times. Rivera also supported and appeared in TV commercials in support of Referendum C which made it easier for the state of Colorado to increase taxes and government spending.

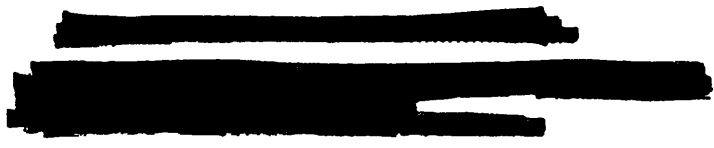
-CSP Business Journal 11/2/01, Denver Post 3/16/03, CSP Business Journal 7/16/04, Denver Post 10/23/05



CALL JEFF CRANK AND LIONEL RIVERA AND TELL THEM TO

stop taking Colorado taxpayers for a ride with their support of higher taxes and spending.

Club for Growth State Action
240 Waukegan Rd
Glenview, IL 60025



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